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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/558,302	04/25/2000	William J. Hillery	10970913-2	9699

7590 12/02/2002
Agilent technologies
Legal Department 51UPD
Intellectual Property Administration
PO Box 58043
Santa Clara, CA 95052-8043

EXAMINER

BAYARD, EMMANUEL

ART UNIT PAPER NUMBER

2631

DATE MAILED: 12/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application

09/558,302

Applicant(s)

HILLERY ET AL.

Examiner

Emmanuel Bayard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-20 is/are rejected.
- 7) ☒ Claim(s) 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. This is in response to request for reconsideration filed on 9/18/02 in which claims 17-21 are pending. The applicant's request has been fully considered but they are moot based on the new ground of rejection. (See examiner new rejection and examiner response).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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3. Claims 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Hendrickson U.S. Patent No 5,940,435.

As per claim 17, Hendrickson et al discloses a receiver (see figs. 1c and 2 element 150) corresponds to the claimed (demodulator) having a quality detector (see figs. 2 and 3 element 240 and col.7, lines 35, 60 and col.8, line 18) which is functionally equivalent to the claimed (power approximation circuit) coupled to receive a real and an imaginary component of a complex signal (see fig.3 elements 213I, 213Q and col.9, lines 3-8 and col.10, lines 43-67) the power approximation circuit generating an approximate power (col.3, lines 5-15) value which indicates an actual power value for the complex signal by a adding which functionally equivalent to the claimed (combining) (see fig.3 element 420 and col.10, lines 55-67) absolute values of the real and imaginary components (see fig.3 elements 410I, 410Q and col.10, lines 60-67) and then applying a symbol clock adjustment which is functionally equivalent to the claimed (expectation function) (see fig.3 element 250 and col.9, lines 9-20 and col.11, lines 4-20) to the combined absolute values.

As per claim 18, the system of Hendrickson inherently includes detection of at least one signal-to-noise ratio.

As per claims 19 and 20, the system of Hendrickson inherently includes an external processor which includes a lookup table that maps the approximate power value.

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Response to Arguments

4. Applicant's arguments with respect to claim 17 have been considered but are moot in view of the new ground(s) of rejection.

In page 2, paragraphs 1-3 of the response, applicant indicates that claim 17 discloses: combining (adding) absolute values of the real and imaginary components and applying an expectation function to the combined values: the prior art of Hendrickson clearly discloses such limitation (see fig.3 element 420 and col.10, lines 55-67). Therefore applicant's arguments are moot.

Allowable Subject Matter

5. Claim 21 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: the present invention teaches a demodulator having a power approximation circuit. The closest prior art of K Milkovic et al teaches a similar demodulator. However the closest prior art fails to anticipate or render obvious the recited features "a bling equalizer that generates a filter output signal in response to an information signal according to a transfer function which adapts in

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response to a selected error indication and a circuitry for providing the selected error indication by switching among a set of differing error indications in response to a determination of a relationship between the actual signal-to noise ratio and a threshold signal to noise ratio". In combination with the rest of the system, these distinct features have been cited in dependent claim 21, and render it allowable.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Bayard whose telephone number is (703) 308-9573. The examiner can normally be reached on Monday-Thursday from 8:00 AM - 5:30 PM. The examiner can also be reached on alternate Fridays.

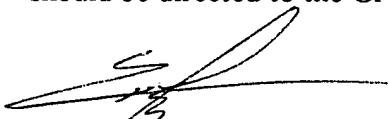
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham, can be reached on (703) 305-4378. The fax phone number for this Group is (703) 872-9314.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.



Emmanuel Bayard

Patent Examiner

November 25, 2002